

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ANTONIO ACEVEDO-LEMUS,

Defendant.

No. SA CR 15-137-CJC

ORDER CONTINUING TRIAL DATE AND
FINDINGS REGARDING EXCLUDABLE
TIME PERIODS PURSUANT TO SPEEDY
TRIAL ACT; SETTING BRIEFING
SCHEDULE; AND WITHDRAWING PLEA
AGREEMENT

[PROPOSED] TRIAL DATE: 8-30-16

Having heard from plaintiff, the United States of America, by and through its counsel of record, Assistant United States Attorney Jennifer L. Waier, and defendant, Jose Antonio Acevedo-Lemus, both individually and by and through his counsel of record, Deputy Public Defender Andrea Jacobs, at a status conference held before this Court on May 2, 2016, and having read and considered the stipulation filed by the parties in this matter, the Court hereby finds that there is good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

1 The Court further finds that the ends of justice served by the
2 continuance outweigh the best interest of the public and defendant
3 in a speedy trial and would deny defense counsel the reasonable time
4 necessary for effective preparation, taking into account the
5 exercise of due diligence.

6 THEREFORE, FOR GOOD CAUSE SHOWN:

7 1. The trial in this matter is continued from May 9, 2016 to
8 **August 30, 2016 at 8:30 a.m.** and the status conference is continued
9 to **August 22, 2016 at 9:00 a.m.**

10 2. The time period of May 10, 2016 to August 30, 2016,
11 inclusive, is excluded in computing the time within which the trial
12 must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i),
13 and (B)(iv).

14 3. Nothing in this Order shall preclude a finding that other
15 provisions of the Speedy Trial Act dictate that additional time
16 periods are excluded from the period within which trial must
17 commence. Moreover, the same provisions and/or other provisions of
18 the Speedy Trial Act may in the future authorize the exclusion of
19 additional time periods from the period within which trial must
20 commence.

21 4. The Court sets the hearing on defendant's motion to
22 suppress for **August 1, 2016 at 9:00 a.m.** The Court sets the
23 following briefing schedule: defendant's suppression motion to be
24 filed on June 17, 2016; government's opposition to be filed on July
25 1, 2016; and defendant's reply, if any, to be filed on July 18,
26 2016.

1 5. The Plea Agreement filed by the parties on April 19, 2016
2 is hereby WITHDRAWN. The parties are no longer bound by its terms.

3 IT IS SO ORDERED.

4
5 May 4, 2016

6 DATE


CORMAC J. CARNEY
UNITED STATES DISTRICT JUDGE